

General Order

Houston Police Department



ISSUE DATE:

April 24, 2008

NO.

400-12

REFERENCE: Supersedes all prior conflicting Circulars, Directives, and General Order 400-12, dated December 7, 1994

SUBJECT: SURVEILLANCE EQUIPMENT

POLICY

Regardless of when or how *surveillance equipment* is acquired, all employees using this type of equipment will be properly trained in its operations and legal restrictions. Division commanders will ensure their personnel are properly trained by the appropriate entity (e.g. the District Attorney's Office for legal issues and the equipment vendor or qualified department personnel for proper operational use). Employees who are not properly trained will not use *surveillance equipment*.

Unauthorized divisions and personnel are prohibited from purchasing or receiving, by any means, any *surveillance equipment*. Whenever the use of *surveillance equipment* is required in an investigation, all unauthorized divisions and personnel will utilize the services of the Technical Surveillance Detail (TSD) of the Criminal Intelligence Division (CID).

The use of any audio or video equipment purchased by an employee for use in the department will be governed by all applicable laws and department policy. Such use must also be approved by the officer's immediate supervisor.

Equipment for personal use or equipment not specifically designed for covert use (e.g., video equipment used in marked patrol vehicles, manned cameras, personal recording devices, home surveillance equipment, or exposed monitoring, building security, audio, and video interview systems) are not governed by this General Order. If there is a question con-

cerning a piece of equipment, employees will contact CID.

This General Order applies to all employees.

DEFINITIONS

Authorized Divisions. Divisions or personnel authorized by the Chief of Police to acquire *surveillance equipment*.

Surveillance Equipment. Any equipment (e.g., audio, video, infrared, thermal imaging, or tracking device) designed specifically for covert surveillance.

Unauthorized Divisions. All divisions or personnel other than those that are authorized.

1 AUTHORIZATION

The following divisions and offices are authorized by the Chief of Police to acquire *surveillance equipment* in compliance with normal equipment procurement policies:

- Auto Theft
- Criminal Intelligence
- Gang
- Internal Affairs/Central Intake Office
- Major Offenders
- Narcotics
- Office of Inspector General
- Tactical Operations
- Vice

All other divisions or personnel must seek written authorization from the Chief of

Police on a case-by-case basis to acquire *surveillance equipment*.

The Helicopter Division is responsible for maintaining an inventory of infrared and thermal imaging devices assigned to that division.

2 TECHNICAL SURVEILLANCE DETAIL'S RESPONSIBILITIES

TSD is responsible for:

- Making recommendations for new, alternative, or replacement *surveillance equipment* acquired by *authorized divisions*.
- Maintaining and updating a complete written inventory of all department *surveillance equipment* except equipment assigned to Internal Affairs/Central Intake Office (IAD).
- Monitoring and controlling *surveillance equipment* used by *unauthorized divisions*.

3 DIVISION RESPONSIBILITIES

All divisions except IAD will:

- Coordinate the acquisition of *surveillance equipment* with the assistant chief of Special Investigations Command.
- Notify the division commander of CID in writing of any *surveillance equipment* acquisitions.
- Maintain a current, detailed, and accurate inventory of that division's *surveillance equipment*.
- Forward a copy of that division's *surveillance equipment* inventory to the division commander of CID by January 15 of each year.
- Utilize the Narcotics Operations Control Center (NOCC) to ensure there are no conflicts during an investigation.

4 COVERT VIDEO RECORDING

TSD is responsible for conducting all covert video recording assignments for all *unauthorized divisions* that require the installation and management of disguised video devices. *Authorized divisions* not having the required equipment to complete the assignment will utilize TSD.

This policy does not restrict classified personnel from using manned video equipment not specifically designed for covert use, such as camcorders.

5 COVERT AUDIO RECORDING

Audio surveillance equipment (e.g., body microphones and disguised audio transmitters) are specifically intended for officer safety as well as the collection of critical evidence. Except as provided below, only the assistant chief of Special Investigations Command and the CID division commander may authorize the placement of disguised audio transmitters on civilians and citizens. IAD is not required by this General Order to obtain an assistant chief's authorization when using audio surveillance equipment discussed in this paragraph.

All other divisions not approved to have audio surveillance equipment on a permanent basis will utilize the services of TSD whenever a covert audio surveillance recording device is required during an investigation.

This policy does not restrict classified personnel from using personal recording devices

not specifically designed for covert use (e.g., nondisguised digital voice recorders).

6 ELECTRONIC COUNTERMEASURES

TSD is the only department entity authorized to acquire or use electronic countermeasure equipment. Electronic countermeasure sweeps will be used only to conduct cases involving department and local government personnel and facilities, or as directed by the Chief of Police.

Requests for electronic countermeasure sweep operations involving the department must be made by officers holding the rank of captain or above and approved by the division commander of CID. Operations involving local government facilities or personnel can be approved only by the division commander of CID. Any requests for electronic countermeasure sweeps not falling within these parameters must be approved by the Chief of Police before the operation commences.

7 SURVEILLANCE EVIDENCE

Each division is responsible for maintaining the proper chain of custody of evidence gathered as a result of that division's surveillance activity. If the evidence is to be retained by the investigating division, a secured storage area must be provided and evidence control procedures will be established and documented in that division's Standard Operating Procedures manual.

8 MICROWAVE RECEIVERS

All *authorized divisions* utilizing *surveillance equipment* requiring the use of radio frequencies will use only frequencies authorized by TSD with coordination through the Communications Management

Division. Only Communications Management, Helicopter, and Narcotics divisions, CID, and IAD are authorized to maintain permanent microwave site receivers. All other divisions will contact TSD for assistance.

9 VEHICLE TRACKING

Only Auto Theft, Gang, Major Offenders, and Narcotics divisions, CID, and IAD are authorized to maintain vehicle tracking systems on a permanent basis. If an *authorized division's* equipment is not available or an *unauthorized division* requires the use of a vehicle tracking system, TSD will be utilized. This section does not apply to GPS equipment being installed in department vehicles.

10 EQUIPMENT

Authorized divisions are responsible for installing, monitoring, and controlling their own or borrowed equipment unless otherwise stated in this General Order. The Helicopter Division is responsible for installing, monitoring, and controlling all airborne surveillance devices.

Authorized divisions borrowing equipment from other *authorized divisions* are responsible for the cost of repairs or replacement should borrowed equipment become damaged or unusable.

11 RELATED GENERAL ORDER

600-24, Coordination of Specialized Investigations and Surveillance

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Chief of Police